

BILL 13 (2017)  
RELATING TO PUBLIC SIDEWALKS  
COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS  
REGULAR MEETING - TUESDAY, MARCH 7, 2017  
1:00 p.m., HONOLULU HALE, COMMITTEE MEETING ROOM  
BY  
MR. TODD NITTA, NT AUTOMOTIVE LLC **(IN FAVOR OF)**

RECEIVED  
CITY CLERK  
C & C OF HONOLULU  
2017 MAR -7 PM 1:12

Aloha Councilmembers, my name is Todd Nitta and I am the owner of NT Automotive LLC located at 1316 Kaumualii Street, in Kalihi. BILL 13 (2017), proposes to amend the law relating to sitting or lying on public sidewalks in areas zoned for commercial and business activities to include certain sidewalks in Kalihi and Iwilei. I am testifying in favor of this bill as it would extend the sit lie law to apply to my business address.

I have been located at the same address since the early 90's and rarely had any problems with the homeless. Unfortunately, this all changed two years ago, when the Kapalama canal was fenced off. Mayor Caldwell made a statement to the press on August 19, 2015 that the fence will ensure the safety of people, while the bill will keep the stream clear of debris and pollution and prohibit people from camping along the canal. He has lived up to his promise and performed a wonderful service to the community by clearing the homeless from the canal. However, this clean up resulted in displaced individuals moving into Kaumualii street.

Kaumualii street is now home to several communities of homeless individuals and families. Their shelters line both sides of the street and pose many hazards as building materials consist of broken pallets and other "found" materials. The debris and pollution the mayor sought to remove from the canal is now in the streets where public sidewalk camping has been tolerated. The homeless "campers" have littered the sidewalks and streets with paper products, plastic bags, spare bicycle parts, vehicles, syringes, beer bottles and cans, clothing, skateboards, and the newest addition to the sidewalk is a basketball hoop on a metal stand. The trash drifts around the street and often ends up in my parking lot, warehouse or is stuffed down the storm drains. They have rendered the sidewalks completely useless to the public and any individual requiring wheel chair access is unable to get by.

As far as safety is concerned, many of the individuals living on this street pose a serious threat to themselves and to others. On one occasion a man was walking up and down the street screaming profanities and arguing with himself. He charged at my wife while she was holding our infant daughter in her arms. My wife screamed for help and the man turned around and started back down the street. HPD was called but by the time they arrived, he was long gone. Another incident of violence involved a homeless man swinging an aluminum bat, like he was trying to hit a home run, hitting every telephone pole and street sign on the street. I was concerned that he would damage my customer's vehicles, property or person. Again, HPD was called but could not locate the suspect. Some of the homeless individuals fight with just themselves and others pick fights with the more passive people on the street. They create rules that have to be followed or it will be enforced with violence. There have been many times that fights have broken out on the street because of disagreements or because someone is under the influence of an illegal substance. Due to the increase in the homeless population and the rising rate of violence and crime on this street, I am concerned for my safety and that of my family and customers that visit my shop.

Another concern I have is that of public urination and defecation. Several homeless individuals have been urinating and defecating in front of business doors, behind stairways and other areas on private property. I have even witnessed a homeless man urinating on my warehouse in full view, with my wife and children just 7 feet away. Yes, they could see everything. He had no sense of decency and made no attempt to be discrete. This display of public indecency and exposure in front of my children is unacceptable! When did we as a society become tolerant to grown men exposing themselves in public where young children could reasonably be present? Again, HPD was called but by the time they arrived the man had wandered back to his tent and could not be found.

Due to health and safety concerns I contacted the Department of Health requesting someone to come to our street and evaluate the sanitation levels and provide proper decontamination to the known areas where human waste was found. No clean up or testing was performed by the Department. I was given the number to the Governor's Office and was told that they would address my concerns. As a result of this "brush off," I spend a good portion of my morning washing down my building, parking lot, back door and applying disinfectant to the property. These are expenses that come out of my pocket that I wouldn't incur if the homeless were removed from this area.

Other incurred expenses as a direct result of the homeless is the damage to my warehouse and office. In an attempt to stop water from my rain gutters from running off into the street, a deflated volleyball was thrown on my roof, which completely blocked the drain. This caused the gutter to overflow and flood my warehouse along with the adjacent space. My building maintenance crew removed the ball and installed a device to prevent a repeat. Later that day the homeless found another way to stop the water, they shoved metal pipes into my gutter and stuffed the pipe with rubbish. HPD was called to the property and removed the items clogging the drain. The officer asked the homeless woman why she did that and the woman replied, "because the water was wetting my stuff!" I had damage to equipment, electrical conduits, dry wall and other inventory because my property's rain gutter emptied into her tent. The officer informed all the homeless people living on the sidewalk that they are not to touch anything on the property and if their belongings are getting wet, move it. But they did not move and I fear they may attempt to block the rain gutters with the next big storm and cause more damage.

Traffic is also a top concern for me. Goodwill's distribution center is located directly across my driveway along with a very busy commercial/retail cabinet company. Large trucks and shipping containers are delivered to both businesses every 30 mins. The homeless have taken to the streets to play baseball, basketball and volleyball while vehicles are attempting to drive up or down the street. On numerous occasions vehicles are forced to wait for the homeless people to stop playing before they can get by. Often the shrieking sound of tires quickly coming to a stop can be heard as drivers slam on their brakes to avoid the homeless playing in the street, riding skateboards, or just walking/standing in the middle of the road for no apparent reason. HPD is called to the scene but of course the homeless individuals move to the side when a police vehicle approaches. The street is so cluttered with parked cars, tents, piles of rubbish on the sidewalk that visibility is poor even during the day time hours. If for no other reason, clear the sidewalks before someone gets hurt. If there is an accident and a semi-truck should be forced to the sidewalk people will die. They do not belong on the sidewalk not just because it's a

nuisance to the public and businesses but because of the potential that they could be seriously injured in the event an automobile or truck should run into the sidewalk or hit a parked car that slams into their tents.

Lastly, the illegal drugs activities have gone unchecked and as a result have gotten out of control. Drug deals take place out in the open during business hours, witnessed by my customers pulling into the parking lot. I have also found over 20 syringes outside of my warehouse and have had to stop work because the smell of burning drugs wafts into the shop where it becomes too overwhelming to work in an enclosed environment. I am forced to evacuate the building until it is safe to re-enter. Businesses cannot operate under these circumstances nor should we have to.

In closing, I would like to state that the amendment is proposing to extend the sit lie ban to an industrial zone not meant for recreational or residential activities and I beg your favor in this matter. Owning and operating a business in Hawaii is challenging enough without having to bear the burden of selfish and irresponsible individuals. This bill would alleviate a tremendous amount of concerns for my business.

I strongly support BILL 13(2017).